



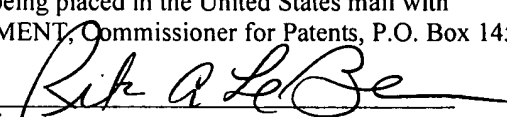
DOCKET NO.: D0188.70170US02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Field et al.
Serial No.: 10/737197
Confirmation No.: 5833
Filed: December 16, 2003
For: SURGICAL SUTURING INSTRUMENT AND METHOD
OF USE
Examiner: Not yet assigned
Art Unit: 3739

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 6 day of July, 2005.


Signature

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:


- Information Disclosure Statement;
- PTO Form 1449 with cited foreign references and article;
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825.

Respectfully submitted,

By:


Walt Norfleet, Reg. No.: 52,078
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Date: July 6, 2005
xNDDx



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**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case. No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The above-identified U.S. application claims priority to U. S. Patent Application Serial No. 10/039601 now U.S. Patent No. 6,663,643.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Publication No.</u>
10/014991	12/11/01	US-2002-0128666-A1
10/051322	01/18/02	n/a
10/141692	05/07/02	US-2003-0028202-A1
10/202530	07/23/02	US-2003-0105475 -A1
10/243556	09/13/02	US-2003-0105476-A1
10/352600	01/28/03	US-2003-0114863-A1
10/378805	03/04/03	US-2003-0171761-A1
10/396927	03/25/03	US-2004-0087979-A1
10/441652	05/19/03	US-2004-0092967-A1
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10/737197	12/16/03	US-2005-0070922-A1
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10/764837	01/26/04	US-2004-0158267-A1
10/848512	05/18/04	n/a
10/897975	07/23/04	US-2005-0043747-A1
10/919792	08/17/04	US-2005-0085832-A1

The Applicant would like to bring to the Examiner's attention the enclosed copy of the International Search Report from Patent Cooperation Treaty Application No. PCT/US01/50961, dated November 5, 2002 which corresponds to Parent U. S. Patent Application Serial No. 10/039601 now U.S. Patent No. 6,663,643.

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

Where English language translations of the non-English language references have been provided, the translation is believed to show the relevance of the reference. Where no English language translation is available, but an English language abstract has been provided, the English language abstract is believed to explain the relevance to the extent known by Applicants. Where no English language abstract is available, the drawings are believed to show the relevance.

The following are remarks concerning the other information cited.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

Serial No.: 10/737197
Conf. No.: 5833

- 4 -

Art Unit: 3739

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).


By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

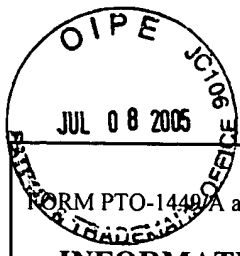
An early and favorable action is hereby requested.

Respectfully submitted,

By:


Walt Norfleet, Reg. No. 52,078
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

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Sheet	1	of	6				

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		919,138		DRAKE	4/20/1909
		1,449,087		BUGBEE	3/20/1923
		2,579,192		KOHL	12/18/1951
		2,613,562		CLARK	5/27/1947
		2,897,820		TAUBER	10/23/1956
		3,013,559		THOMAS	12/19/1961
		3,404,677		H.A. Springer	7/8/1965
		3,470,875		GREEN	12/8/1970
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		3,584,628		Green	6/15/1971
		3,675,688		Bryan, et al.	7/11/1972
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		3,841,521		Jarvik	10/15/1974
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		4,103,690		Harris	8/1/1978
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		4,204,541		Kapitanov	5/27/1980
		4,235,177		Arbuckle	11/25/1980
		4,258,716		Sutherland	3/31/1981
		4,306,560		Harris	12/22/1981
		4,453,661		Genyk, et al.	6/12/1984
		4,462,404		Schwarz, et al.	7/31/1984
		4,474,181		Schenck	10/2/1984
		4,553,543		Amarasinghe	11/19/1985
		4,557,265		Andersson	12/10/1985
		4,583,541		Barry	4/22/1986
		4,595,007		Mericle	6/17/1986
		4,602,636		Noiles	7/29/1986

FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/737197		ATTY. DOCKET NO.: D0188.70170US02	
				FILING DATE: December 16, 2003		CONFIRMATION NO.: 5833	
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Sheet	2	of	6				

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		Number	Kind Code		
		4,607,637		Berggren, et al.	8/26/1986
		4,610,383		Rothfuss, et al.	9/9/1986
		4,612,933		Brinkerhoff, et al.	9/23/1986
		4,624,257		Berggren, et al.	11/25/1986
		4,643,190		Heimberger	2/17/1987
		4,644,651		Jacobsen	2/24/1987
		4,747,358		Moll, et al.	5/31/1988
		4,760,848		Hasson	8/2/1988
		4,763,669		Jaeger	8/16/1988
		4,803,984		Narayanan, et al.	2/14/1989
		4,819,635		Shapiro	4/11/1989
		4,890,615		Caspari, et al.	1/2/1990
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		4,923,461		Caspari, et al.	5/8/1990
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		4,938,214		Specht, et al.	7/3/1990
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		4,966,600		Songer, et al.	10/30/1990
		5,002,564		McGregor, et al.	3/26/1991
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FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/737197		ATTY. DOCKET NO.: D0188.70170US02			
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Sheet	3	of	6						

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Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		5,290,284		Adair	3/1/1994
		5,304,183		Gourlay, et al.	4/19/1994
		5,306,281		Beurrier	4/26/1994
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		5,356,424		Buzerak, et al.	10/18/1994
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		5,458,609		Gordon, et al.	10/17/1995
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Sheet	4	of	6				

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		Number	Kind Code		
		5,582,616		Bolduc, et al.	12/10/1996
		5,618,306		Roth, et al.	4/8/1997
		5,665,096		Yoon	9/9/1997
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		5,690,653		Richardson, et al.	11/25/1997
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		6,383,208		Sancoff, et al.	5/7/2002
		6,454,778		Kortenbach	9/24/2002

FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/737197		ATTY. DOCKET NO.: D0188.70170US02			
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Sheet	5	of	6						

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		Number	Kind Code		
		6,514,263		Stefanchik, et al.	2/4/2003
		6,517,553		Klein, et al.	2/11/2003
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		6,562,051		Bolduc, et al.	5/13/2003
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		6,332,889		Sancoff, et al.	12/25/2001
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		2004/0133221		Sancoff, et al.	7/8/2004
		2004/0073237		Leinsing	4/15/2004
		2005/0038449		Sancoff, et al.	2/17/2005
		2004/0158267		Sancoff, et al.	8/12/2004
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Sheet	6	of	6				

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
		DE	2927143	A1	Chirurgisches Instrument, insbesondere zumzum Annähen von Herzschrittmachern	1/24/1980	N
		EP	121362	A1	Ethicon Inc.	10/10/1984	N
		GB	2025236	A	Cordis Corp.	1/23/1980	N
		WO	96/27331	A1	YOON, InBae	9/12/1996	N
		WO	02/34167	A2	St. Jude Medical, Inc.	5/2/2002	N
		WO	02/43569	A2	Intuitive Surgical, Inc.	6/6/2002	N

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
		"VCS Clip Applier System," Auto Suture Company, A Division of United States Surgical Corporation ("USSC"), ©1995	
EXAMINER:			DATE CONSIDERED:

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]